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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,571	01/29/2004	Suryanarayana Murthy Gorty	ID839/80237	6197

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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/767,571

Applicant(s)

GORTY ET AL.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The "Request for Continuation Examination" filed by the Applicant on 12/12/05 is acknowledged. Claims 1-33 are presented for examination.
2. The supplemental affidavit filed with the RCE on 12/12/05 under 37 CFR 1.131 is sufficient to overcome the Tosey (US 2005/0039048) reference. The following rejection is based on new ground(s).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-23 and 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Horsetmann et al. (US 6,779,022).
5. As per claim 15, Horstmann teaches the invention as claimed including a method of polling electronic mailboxes

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comprising the step of polling an electronic mailbox to retrieve unique identifiers (UID's) of electronic messages [col. 3, lines 23-26; col. 4, lines 36- 46; col. 6, lines 36-45]; and retrieving only those UID's that are newer than the UID's from a previous polling to determine that new messages are available [col. 6, lines 37-45; col. 7, lines 1-9 & 15-28].

6. As per claim 16, Horstmann teaches the step of issuing a unique identifier listing (UIDL) command [col. 3, lines 22-38; col. 6, lines 24-31].

7. As per claim 17, Horstmann teaches the step of issuing a STAT command [col. 6, lines 24-31; col. 7, lines 14-28].

8. As per claim 18, Horstmann teaches the step of polling further comprises the step of retrieving the UID of the most recent message received on a mail server [col. 6, lines 24-31; col. 7, lines 14-28].

9. As per claim 19, Horstmann teaches the step of checking if the retrieved UID of the most recent message is contained within a database of UID's obtained from previous polls as indicative that no new messages have been received [col. 6, lines 24-31; col. 7, lines 14-28].

10. As per claim 20, Horstmann teaches the step of storing within a database [230,

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Fig. 2] a record of the UID's [523, Fig. 5; col. 6, lines 39-41; col. 7, lines 1-9].

11. As per claim 21, Horstmann teaches the step of storing the UID for a plurality of source electronic mailboxes [230, Fig. 2; col. 6, lines 39-41; col. 7, lines 1-14].

12. As per claim 22, Horstmann teaches the step of shortening a polling interval of an electronic mailbox when there is recent activity within an electronic mailbox to provide electronic mail to a user in near real-time fashion [col. 6, lines 24-31].

13. As per claim 23, Horstmann teaches the step of retrieving a message only when the UID is determined to be newer than the UID's from a previous polling [col. 6, lines 37-45].

14. As per claim 1, Horstmann teaches the invention as claimed including a communications system comprising:

a polling agent [152, Fig. 1] for polling an electronic mailbox [col. 3, lines 23-26] to retrieve unique identifiers (UID's) of electronic messages [col. 4, lines 36- 46; col. 6, lines 36-45]; and

a database [230, Fig. 2; col. 6, lines 39-41] for storing the UID's resulting from the polling [col. 6, lines 37-41], wherein the polling agent is operative for polling the electronic mailbox and retrieving only those UID's that are newer than the UID's from a

previous polling to determine that new messages are available [col. 6, lines 37-45; col. 7, lines 1-9 & 15-28].

15. As per claim 2, Horstmann teaches the polling agent is operative for issuing a single command for obtaining the total number of electronic messages [col. 3, lines 22-38; col. 6, lines 24-31].

16. As per claim 3, Horstmann teaches the polling agent is operative for issuing a START command for obtaining the total number of the electronic message [col. 6, lines 24-31].

17. As per claim 4, Horstmann teaches the polling agent is operative for retrieving a web page that contains a list of most recent messages retrieved within the electronic mailbox [col. 6, lines 36-51; col. 7, lines 1-9].

18. As per claim 5, Horstmann teaches the polling agent is operative for shortening a polling interval of an electronic mailbox when there is activity within an electronic mailbox to provide electronic mail to a user in near real-time [col. 6, lines 24-31].

19. As per claim 6, Horstmann teaches the polling agent is operative for issuing a command for a unique identifier listing (UIDL) to determine the UID's of messages on a mail server [col. 6, lines 24-31].

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20. As per claim 7, Horstmann teaches the invention as claimed including communication system comprising:

a wireless communication device [140, Fig. 1] having a mail user agent [205, Fig. 2];

mobile office platform operative with the mail user agent for accessing one or more electronic mailboxes [col. 3, lines 22-38] of the mail user agent using a plurality protocol specific connectors [col. 3, lines 39-45], said mobile office platform including polling agent [152, Fig. 1] for polling an electronic mailbox of the mail user agent to retrieve unique identifiers (UID's) of electronic messages [col. 4, lines 36- 46; col. 6, lines 36-45] and a database [230, Fig. 2; col. 6, lines 39-41] for storing the UID's resulting from the polling [col. 6, lines 37-41], wherein the polling agent is operative for polling the electronic mailbox and retrieving only those UID's that are newer than the UID's from previous polling to determine that new messages are available [col. 6, lines 37-45; col. 7, lines 1-9 & 15-28].

21. As per claim 8, Horstmann teaches the mail user agent is operative for accessing the mobile office platform using a POP, IMAP or webmail protocol [col. 3, lines 39-45].

22. AS per claim 9, Horstmann teaches the plurality of protocol specific connectors comprises a POP connector for accessing POP mailboxes, an IMAP connector for accessing IMAP mailboxes, or a connector for accessing mail from Exchange server [col. 3, lines 39-45].

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23. As per claim 10, Horstmann teaches the polling agent is operative for issuing a single command for obtaining the total number of electronic messages [col. 3, lines 22-38; col. 6, lines 24-31].

24. As per claim 11, Horstmann teaches the polling agent is operative for issuing a START command for obtaining the total number of the electronic message [col. 6, lines 24-31].

25. As per claim 12, Horstmann teaches the polling agent is operative for retrieving a webpage that contains a list of most recent messages retrieved within the electronic mailbox [col. 6, lines 36-51; col. 7, lines 1-9].

26. As per claim 13, Horstmann teaches the polling agent is operative for shortening a polling interval of an electronic mailbox when there is recent activity within an electronic mailbox to provide electronic mail to a user in near real-time [col. 6, lines 36-51; col. 7, lines 1-9].

27. As per claim 14, Horstmann teaches the polling agent is operative for issuing a command for a unique identifies- listing (UIDL) to determine the UID's of messages on a mail server [col. 6, lines 24-31].



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28. As per claim 25, Horstmann teaches the invention as claimed including a method of polling electronic mailboxes comprising the steps of retrieving a webpage that contains a list of most recent messages received within an electronic mailbox [col. 4, lines 36-46]; storing the unique identifiers (UID's) starting with the most recent messages stored within the list [col. 6, lines 36-45]; and storing the UID's until a UID is seen that was retrieved within a previous poll indicative that all UID's stored in a current poll are from new messages [col. 6, lines 36-45; col. 7, lines 1-28].

29. As per claim 26, Horstmann teaches the step of requesting a new webpage if the previously stored UID is not present in the first webpage [col. 7, lines 15-39, i.e., keep retrieving UID until all of unread message have been processed and stop retrieving if the old UID shown up on the list].

30. As per claim 27, Horstmann teaches the step of ceasing to obtain a new webpage when a UID is seen that was stored from a previous poll [col. 6, lines 36-45].

31. As per claim 28, Horstmann teaches the step of shortening a polling interval of an electronic mailbox when there is recent activity within an electronic mailbox to provide electronic mail to a user in near real-time fashion [col. 6, lines 24-31].

32. As per claim 29, Horstmann teaches the invention as claimed including a method of polling electronic mailboxes comprising the steps of polling an electronic mailbox by

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issuing a command to retrieve the current number of messages located on a mail server [i.e., read the messages] and retrieving the unique identifier (UID) of the most recent message [col. 4, lines 36-46; col. 6, lines 24-31]; and checking if the UID of the most recent message is in a list of stored UID's obtained from previous polls [col. 6, lines 36-45; col. 7, lines 1-28].

33. As per claim 30, Horstmann teaches the step of determining that new messages have occurred if the UID is stored from a previous poll [col. 6, lines 36-45].

34. AS per claim 31, Horstmann teaches the step of issuing a STAT command to obtain the current number of messages located on a mail server [col. 6, lines 24-31].

35. As per claim 32, Horstmann teaches the step of issuing a command for a unique identifier listing (UIDL) to determine the UID's of messages on a mail server [col. 6, lines 36-45; col. 7, lines 1-28].

36. As per claim 33, Horstmann teaches step of shortening a polling interval of an electronic mailbox when there is recent activity within an electronic mailbox to provide electronic mail to a user in near real-time fashion [col. 6, lines 24-31].

***Claim Rejections - 35 USC § 103***

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horsetmann et al. (US 6,779,022) as applied to claims 1-23 and 25-33 above.

39. As per claim 24, Horstmann teaches the invention substantially as claimed in claim 15. Horstmann does not specifically teach the step of comparing the current message count to the number of UID's stored from a previous poll and considering that there are new messages when the new message count is more. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to compare the number of the UID's to determining whether there are new messages in a mail account because doing so would increase the speed of the system by avoiding wasting time for reading all message in the mail account. One of ordinary skill in the art would have been motivated to modify Horstmann's system with the comparison step to improve the performance of the system.

***Conclusion***

40. Applicant's arguments with respect to claim 1-33 have been considered but are

moot in view of the new ground(s) of rejection.

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mooney et al. (US 2002/0174194) and Bilansky et al. (US 2003/0172118)  
disclose mail system.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

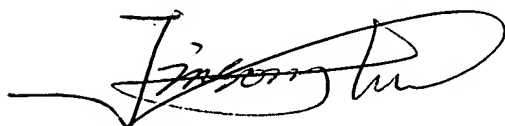
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jinsong', with a large, stylized flourish extending from the end of the name.

Jinsong

March 2, 2006